

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BNSF RAILWAY COMPANY, on
behalf of THE UNITED STATES OF
AMERICA,

Plaintiff,

vs.

THE CENTER FOR ASBESTOS
RELATED DISEASE, INC.,

Defendant.

CV 19-40-M-DLC

ORDER

Before the Court is Relator BNSF's Motion for Fees and Costs. (Doc. 239.) BNSF seeks \$1,468,371.50 in attorneys' fees and \$322,657.20 in costs after having successfully litigated a False Claims Act ("FCA") *qui tam* action against Defendant Center for Asbestos Related Disease, Inc. ("CARD"). (Doc. 243 at 11, 12.) CARD opposes the motion, (Doc. 248), and also filed a Notice of Bankruptcy Filing, (Doc. 244). The Court stayed BNSF's motion in accordance with 11 U.S.C. § 362 until the bankruptcy proceedings terminated or the stay was lifted. (Doc. 263.) The parties now inform the Court that the bankruptcy proceedings have been dismissed. (Doc. 264.) The parties did not request that the matter of fees and costs be stayed pending the ongoing appeal in the Ninth Circuit.

Accordingly, IT IS ORDERED that the stay on BNSF's Motion for Fees and

Costs is hereby lifted. The Court will proceed to resolve BNSF's Motion for Fees and Costs (Doc. 239) unless the Court receives a motion to stay pending the ongoing appeal. Any motion to stay must be filed within fourteen days of the date of this order.

DATED this 1st day of May, 2024.



Dana L. Christensen, District Judge
United States District Court